GJM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA, Plaintiff, v. **Adrian RODRIGUEZ-Sanchez,** Defendant	Magistrate Docket No. '08 MJ 0734 CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA DEPUTY COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 8, 2008** within the Southern District of California, defendant, **Adrian RODRIGUEZ-Sanchez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **MARCH 2008**

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Adrian SANCHEZ-Rodriguez

PROBABLE CAUSE STATEMENT

On March 08, 2008, at approximately 12:45 A.M. Supervisory Border Patrol Agent J. Badousek responded to the activation of a seismic intrusion device. This area is approximately two miles east of the Tecate, California Port of Entry and is notorious for the entry of illegal aliens. Agent Badousek observed footprints heading north from this location and started following them. At approximately 01:00 A.M. SBPA Badousek encountered thirteen individuals trying to conceal themselves in the surrounding brush. SBPA Badousek identified herself as a United States Border Patrol Agent and questioned all the subjects as to their citizenship. All subjects stated that they were citizens and nationals of Mexico. SBPA Badousek then asked them if they had any immigration documents that would allow them to enter into or remain in the United States. All of the subjects including one later identified as the defendant, **Adrian SANCHEZ-Rodriguez**, stated that they were not in possession of any immigration documents. Agent Badousek placed them under arrest and had them transported to the Tecate Processing Center, in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 1, ~~2009~~ 1998** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on March 9, 2008 at 10:00.

James E. Bailey
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 7, 2008** in violation of Title **8**, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

3/9/08 - 1251
Date/Time